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E-filed on April 10, 2020
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
DOUBLE JUMP, INC.

Debtor.

- Affects Double Jump, Inc.
 - Affects DC Solar Solutions, Inc.
 - Affects DC Solar Distribution, Inc.
 - Affects DC Solar Freedom, Inc.

Case No. 19-50102-GS
Chapter 7

Jointly Administered with:

19-50130-gs	DC Solar Solutions, Inc.
19-50131-gs	DC Solar Distribution, Inc.
19-50135-gs	DC Solar Freedom, Inc.

EX PARTE MOTION FOR 2004
EXAMINATION OF FIRST REPUBLIC
BANK

Judge: Hon. Gary Spraker

Creditor SolarSense DCS I, LLC (“SolarSense”), by and through its counsel of record, Richard F. Holley, Esq. and Mary Langsner, Ph.D. of the law firm Holley Driggs and Robert Lapowsky, Esq. of the law firm Stevens & Lee, P.C., hereby files this Ex Parte Motion For 2004 Examination of First Republic Bank (“Motion”) pursuant to FED. R. BANKR. P. 2004 and 9016 (which incorporates by reference FED. R. CIV. P. 45), and Local Rules of Bankruptcy Practice of the United States District Court for the District of Nevada (“LR”) 2004 and 5075(a)(2)(L). Through the Motion, SolarSense respectfully applies ex parte for an order requiring and directing First Republic Bank (“First Republic”) to appear as set forth in a subpoena to be issued pursuant to FED. R. BANKR. P. 9016, at a time, place, and date to be mutually agreed upon by the parties, or if no such agreement is reached, upon no less than fourteen (14) calendar days’ written notice by SolarSense, for examination under FED. R. BANKR. P. 2004 regarding the acts, conduct, property,

1 liabilities, and financial condition of the Debtors¹; as to any matter which may affect the
2 administration of the Debtors' estate(s); and as to any other matter permitted by FED. R. BANKR.
3 P. 2004. This Motion is based upon the Memorandum of Points and Authorities herein.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 **I. LEGAL AUTHORITY**

6 **A. Examination Under FED. R. BANKR. P. 2004 Is Permitted.**

7 FED. R. BANKR. P. 2004(a) provides, "On motion of any party in interest, the court may
8 order the examination of any entity." Regarding scope of examination, FED. R. BANKR. P. 2004(b)
9 provides in relevant part:

10 The examination of an entity under this rule or of the debtor under
11 § 343 of the Code may relate only to the acts, conduct, or property
12 or to the liabilities and financial condition of the debtor, or to any
13 matter which may affect the administration of the debtor's estate, or
14 to the debtor's right to a discharge. In a . . . reorganization case
15 under chapter 11 of the Code, . . . the examination may also relate
to the operation of any business and the desirability of its
continuance, the source of any money or property acquired or to be
acquired by the debtor for purposes of consummating a plan and the
consideration given or offered therefor, and any other matter
relevant to the case or to the formulation of a plan.

16 And FED. R. BANKR. P. 2004(c) provides in pertinent part:

17 The attendance of an entity for examination and for the production
18 of documents, whether the examination is to be conducted within or
19 without the district in which the case is pending, may be compelled
as provided in Rule 9016 for the attendance of a witness at a hearing
or trial.

20 SolarSense seeks to conduct oral examination of First Republic relating to the acts,
21 conduct, property, liabilities, and financial condition of the Debtors; as to any matter which may
22 affect the administration of the Debtors' estate(s), and as to any matter permitted by FED. R.
23 BANKR. P. 2004, specifically including:

- 24 1. To investigate further the manner in which the Debtors conducted their business
25 and financial affairs;
- 26 2. To ascertain and investigate potential avoidable transfers made by the Debtors;

27 _____
28 ¹ Double Jump, Inc.; DC Solar Solutions, Inc.; DC Solar Distribution, Inc.; DC Solar Freedom,
Inc. (collectively, the "Debtors").

- 1 3. To ascertain and investigate the banking relationship between First Republic and
2 the Debtors, their creditors, or any of their officers or employees;
3 4. To ascertain and investigate the relationship between First Republic, including any
4 of its agents, employees, or representatives, and the Debtors, their creditors, and
5 prospective and actual business relationships of the Debtors including to ascertain
6 and investigate any accounts held in the name(s) of any Fund(s) having any
7 prospective or business relationship with any of the Debtors, from the origination
8 date of such account(s); and
9 5. The acts, conduct, property, liabilities, and financial condition of the Debtors and
10 any matter which may affect the administration of the Debtors' estate(s).

11 The requested discovery from First Republic is within the scope of examination permitted
12 under FED. R. BANKR. P. 2004. In addition, SolarSense seeks to conduct an examination of First
13 Republic to testify on more than fourteen (14) days' notice from the date of filing of this Motion
14 and respectfully proffers that the purpose of the sought-after examination of First Republic is
15 within the scope of FED. R. BANKR. P. 2004 and that the Clerk of Court may sign any Order
16 granting this Motion. Specifically, LR 2004(b) provides:

17 The clerk may only sign orders for examination if the date set for
18 examination is more than fourteen (14) days from the date the
19 motion is filed. If examination is requested on less than fourteen
20 (14) days' notice, the clerk may not sign. The motion must state
 whether the examination date has been agreed on, or if there is no
 agreement, why examination on less than fourteen (14) days' notice
 is requested.

21 Accordingly, SolarSense respectfully requests the entry of an order granting this Motion,
22 attached hereto as **Exhibit "A"** in compliance with LR 2004(a).

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 **II. CONCLUSION**

2 SolarSense respectfully requests that the Court enter its Order authorizing the examination
3 of **First Republic Bank** as described herein. A proposed order is attached hereto as **Exhibit "A"**.

4 Dated this 10th day of April 2020.

5 **HOLLEY DRIGGS**

6 _____
7 /s/ Mary Langsner
8 Richard F. Holley, Esq. (Nevada Bar No. 3077)
9 Mary Langsner, Ph.D. (Nevada Bar No. 13707)
10 400 South Fourth Street, Third Floor
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H O L L E Y D R I G G S

EXHIBIT “A”

HOLLEY DRIGGS

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19-50135-gs	DC Solar Freedom, Inc.

**ORDER GRANTING EX PARTE MOTION
 FOR 2004 EXAMINATION OF FIRST
 REPUBLIC BANK**

Judge: Hon. Gary Spraker

The Court having reviewed the Ex Parte Motion For 2004 Examination of First Republic Bank (“Motion”) filed by creditor SolarSense DCS I, LLC (“SolarSense”), by and through its counsel of record Richard F. Holley, Esq. and Mary Langsner, Ph.D. of the law firm Holley Driggs and Robert Lapowsky, Esq. of the law firm Stevens & Lee, P.C., and for good cause appearing:

IT IS HEREBY ORDERED that the Motion is **GRANTED**.

1 **IT IS FURTHER ORDERED** that First Republic Bank shall appear for an examination
2 under oath before a certified court reporter at a time, place, and date to be mutually agreed upon
3 by the parties, or if no such agreement is reached, upon no less than fourteen (14) calendar days'
4 written notice by SolarSense, pursuant to FED. R. BANKR. P. 2004, and relating to the acts, conduct,
5 property, liabilities, and financial condition of the Debtors; as to any matter which may affect the
6 administration of the Debtors' estate(s); and as to any matter permitted by FED. R. BANKR. P. 2004,
7 including but not limited to the matters specifically enumerated in the Motion.

8 **IT IS FURTHER ORDERED** that oral examination shall continue from day to day, as
9 necessary until completed.

10 **IT IS SO ORDERED.**

11 Prepared and submitted by:

12 **HOLLEY DRIGGS**

13 Richard F. Holley, Esq. (Nevada Bar No. 3077)
14 Mary Langsner, Ph.D. (Nevada Bar No. 13707)
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18 King of Prussia, Pennsylvania 19406

19 *Attorneys for SolarSense DCS I, LLC*

20 # # #

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Holley Driggs, and that on the 10th day of April 2020, I caused to be served a true and correct copy of EX PARTE MOTION FOR 2004 EXAMINATION OF FIRST REPUBLIC BANK in the following manner:

(ELECTRONIC SERVICE) Under Administrative Order 02-1 (Rev. 8-31-04) of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.

(UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first class postage prepaid, at Las Vegas, Nevada, to the parties listed on the attached service list, at their last known mailing addresses, on the date above written.

(OVERNIGHT COURIER) By depositing a true and correct copy of the above-referenced document for overnight delivery via Federal Express, at a collection facility maintained for such purpose, addressed to the parties on the attached service list, at their last known delivery address, on the date above written.

(FACSIMILE) That I served a true and correct copy of the above-referenced document via facsimile, to the facsimile numbers indicated, to those persons listed on the attached service list, on the date above written.

/s/ Olivia Swibies
An employee of Holley Driggs